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EXAMINER

RAYYAN, SUSAN F

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/022,296

Applicant(s)

HELLEMANN ET AL.

Examiner

Susan F. Rayyan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-16, drawn to database or file accessing, classified in class 707, subclass 1.
  - II. Claims 17-20, drawn to manipulating data structure, classified in class 707, subclass 101.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention in Group I has separate utility such as storing data. The invention in Group II has a separate utility such as manipulating data. The invention in Group III has a separate utility such as limiting access to objects. See M.P.E.P. § 806.05(d).
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for the other Groups, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
6. A telephone call was made to Brian Sattizahn (Reg.No. 46,401) on March 29, 2004 to request an oral election to the above restriction requirement. An election of Group I was made with traverse.
7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
8. An election, with or without traverse, must be made by the Applicant in replying to this Office Action.
9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).
10. Information disclosure statement has been considered.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**12. Claims 1,9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer et al. (US 6,691,127).**

As per independent claim 1 Bauer anticipates:

a server computer, the server computer comprising a storage device and a processor at fig.1, col. 2, lines 45-49;

a database, the database storing product data on a plurality of products, wherein product data includes process capability information for each product of the plurality of products at fig.1, col. 3, lines 9-17;

an application to manage entry, storage and retrieval of process capability information in the database by a user, the application being stored in the storage device of the server computer, and the application further comprising: a product information section, the product information section comprising means for providing, updating and reviewing process capability information for a product at col. 3, lines 12-19;

a file management section, the file management section comprising means for performing a bulk transfer of process capability information for at least one product at col.3, lines 14-16;

and a report generation section, the report generation section comprising means for generating at least one report using the process capability information in the database at col.6, line 66, bridging to, col.7, line 5;

and a client computer in communication with the server computer, the application being accessible by the user on the client computer at fig. 1.

Bauer teaches a server computer, a database, the database storing product data on a plurality of products, wherein product data includes process capability information for each product of the plurality of products, an application to manage entry, storage and retrieval of process capability information in the database by a user, the application being stored in the storage device of the server computer, and the application further comprising: a product information section, the product information section comprising means for providing, updating and reviewing process capability information for a product, a file management section, the file management section comprising means for performing a bulk transfer of process capability information for at least one product, and a report generation section, the report generation section comprising means for generating at least one report using the process capability information in the database and a client computer in communication with the server computer, the application being accessible by the user on the client computer at fig. 1, col. 2, lines 45-49, col. 3, lines 9-17, col.6, line 66, bridging to , col.7, line 5.

As per independent claim 9 Bauer anticipates:

a database, the database storing product data on a plurality of products, wherein product data includes process capability information for each product of the plurality of products at fig.1, col.3, lines 9-17;

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a characteristic system, the characteristic system comprising means for entering process capability information for a product in the database by a user at col.3, lines 1-19;

a file management system, the file management system comprising means for performing a bulk transfer of process capability information for at least one product to the database by the user at col.3, lines 14-16;

and a report generation system, the report generation system comprising means for generating at least one report using the product data in the database at col.6, lines 66, bridging to, col.7, lines 5.

Bauer teaches a database, the database storing product data on a plurality of products, wherein product data includes process capability information for each product of the plurality of products, a characteristic system, the characteristic system comprising means for entering process capability information for a product in the database by a user, a file management system, the file management system comprising means for performing a bulk transfer of process capability information for at least one product to the database by the user, and a report generation system, the report generation system comprising means for generating at least one report using the product data in the database at fig.1, at col.3, lines 1-19, col.6, lines 66, bridging to , col.7, lines 5.

***Claim Rejections - 35 USC § 103***

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13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**14. Claims 2-3, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (US 6,691,127) and Ladouceur et al. (Pub. No. US 2002/0116372).**

As per claim 2, same as claim arguments above and Bauer does not explicitly teach wherein the product information section further comprises: means for providing, updating and reviewing source information on a product source; means for providing, updating and reviewing product information on a product; and means for providing, updating and reviewing characteristic information on a product however Ladouceur does teach these limitations at paragraph 32-33. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to select products for comparison at paragraph 72, lines 7-9.

As per claim 3 same as claim arguments above and Bauer does not explicitly teach designating a product source; and source information includes site information, code information, name information and a product list of products produced by the designated product source however Ladouceur does teach these limitations at paragraph 32-33. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to select products for comparison at paragraph 72, lines 7-9.



As per claim 10 same as claim arguments above and Ladouceur teaches means for entering source information on a source of a product by the user; means for entering product information on a product by the user; and means for entering characteristic information on a product by the user at paragraph 32-33.

As per claim 11 same as claim arguments above and Ladouceur teaches the source of a product; and source information includes site information, code information, name information and a product list of products produced by the designated source at paragraph 32.

**15. Claims 8,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (US 6,691,127) and Zulpa et al. (Pub. No. US 2003/0023519).**

As per claim 8 same as claim arguments above and Bauer teaches: the at least one report comprises at least one of a Cpk status report, an age of data report, a defects per million opportunities summary report and a defects per million opportunities trend report; and the means for generating at least one report further comprises means for customizing the at least one report at col.6, lines 51-60.

Bauer does not explicitly teach the client computer and the server computer are connected by an Extranet, and the application is executable in a web browser and is accessed from a web portal on the Extranet however Zulpa does teach this at paragraph 9, lines 3-14, paragraph 12, lines 16. Thus it would have been obvious to one of ordinary skill in the art to combine the cited references to reduce the number of parts

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it needs to maintain by automating the active parts evaluation processes (paragraph 16).

As per claim 16 same as claim arguments above and Bauer teaches:  
the means for entering process capability information further comprises means for updating previously entered process capability information at col.3, lines 10-19; and the means for generating at least one report further comprises means for customizing the at least one report at col. 6, lines 51-60.

Bauer does not explicitly teach the user includes at least one of an Internal user and external supplier however Zulpa does teach this at paragraph 9, lines 3-14, paragraph 12, lines 16. Thus it would have been obvious to one of ordinary skill in the art to combine the cited references to reduce the number of parts it needs to maintain by automating the active parts evaluation processes (paragraph 16).

### ***Allowable Subject Matter***

16. Claims 4-7,12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (703) 305-0311. The examiner can normally be reached M-F: 8am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for Official communications, (703) 746-7238 for After Final communications and (703) 746-7240 for Status inquiries and draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Susan Rayyan



May 17, 2004



GRETA ROBINSON  
PRIMARY EXAMINER